

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 7, 8, 14, and 15 are pending, with Claim 7 being independent. Claim 7 has been formally amended as kindly suggested by the Examiner in a telephone conference on September 8, 2008.

As kindly pointed out by the Examiner during that telephone conference, Applicant respectfully notes that in the July 28, 2008 Amendment After Final Rejection, the remarks set forth at page 7, line 2 through page 9, line 8 of that paper, due to an inadvertent mistake, contained erroneous text and instead should have read “The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.” In view of the foregoing, Applicant respectfully wishes to provide the below replacement remarks for the July 28, 2008 Amendment After Final Rejection:

REPLACEMENT REMARKS FOR JULY 28, 2008

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 7, 8, 14, and 15 are pending, with Claim 7 being independent.

Claims 7 and 8 were provisionally rejected under the judicially-created doctrine of non-statutory, obviousness-type double patenting over Claims 1 through 4 of Appln. No. 11/118,401. All rejections are respectfully traversed, and are submitted to have been obviated by the filing of a Terminal Disclaimer that makes reference to said application.

Claims 7, 8, 14, and 15 were rejected under 35 U.S.C. § 103 over EP 1357138 A1 (“EP ‘138”) in view of the article by Percec, et al. All rejections are respectfully traversed, and are submitted to have been obviated by the filing of a sworn translation of the second priority application, Japanese Patent Application No. 2003-307618 filed August 29, 2003, from which application the subject application claims priority under 35 U.S.C. § 119, and which application pre-dates the October 29, 2003 publication date of EP ‘138, thereby precluding application of that document under 35 U.S.C. § 102(a). MPEP 201.15. With respect to Claim 7, for example, the Examiner’s attention is directed, e.g., to General Formula (1) at, e.g., page 2 of the sworn translation (among other substituents, X may be, e.g., $-(CH_2)_m-(O)_n-(CH_2)_q-$), and Applicant submits that General Formula (1) encompasses (i.e., includes) Claim 7’s Formula (4). With respect to Claim 15, for example, the Examiner’s attention is directed, e.g., to General Formula (2) at, e.g., page 3 of the sworn translation, and to paragraphs [0027] and [0037]. Favorable consideration is earnestly solicited. For completeness’ sake, Applicants are also enclosing a sworn translation of the first priority application, Japanese Patent Appln. No. 2003-129997 filed May 8, 2003.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should to be directed to our below-listed address.

Respectfully submitted,

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